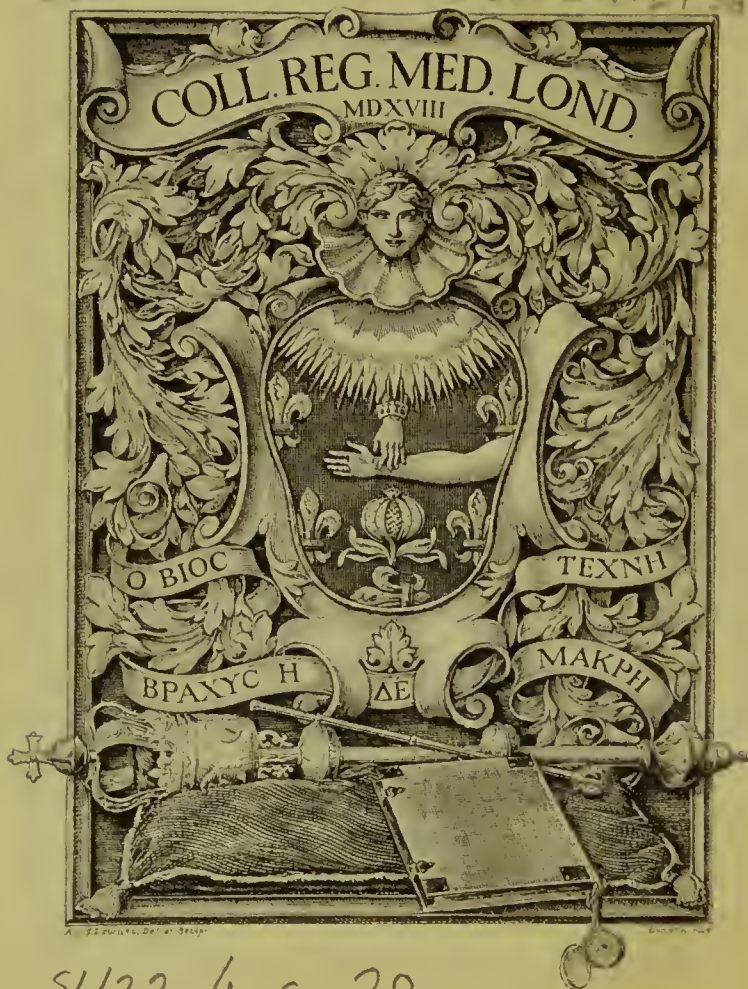


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to the impossibility of observing morbid appearances in the special case, on which alone a relevant opinion could be given, and on which alone Dr Mackintosh was understood to speak,—must have rested either on the denial of the powers of accurate observation in the reporters, or on an opinion that morbid appearances cannot be traced when the parts are in a state of preservation.

If the latter notion formed the ground of Dr Mackintosh's statement, I fear it will be impossible to convince him of the reverse. If, on the other hand, it was on the inaccurate powers of observation of the Dundee gentlemen and myself, in contradistinction to the accuracy of one who "has been much accustomed to pathological investigations," that his opinion rested, I think it may be possible to satisfy my friend under this view of the case. If he did not attach any weight to the pointed terms in which both reports spoke of the state of preservation of the alimentary canal, he might at least have given me credit for not being likely to fall into so unpardonable a blunder as the confounding pseudo-morbid with morbid appearances; for he must be aware, that the effects of time and decay on morbid appearances form an important topic in medical jurisprudence, of which no professor of that science can be ignorant. I shall say nothing of my experience. It is far better that the facts of the question speak for their own accuracy, when they really do not require the authority of a name to stamp them accurate; and therefore I beg to subjoin the following extracts from the original notes which formed the basis of my report.

October 5th. * * "Except that the mere surface of the villous coat was softened, they (the stomach and intestines) were in a state of good preservation, and not smelling very distinctly like putrid intestine." * * * "On a portion (of the stomach) equal in size to two or three half crowns, there are several irregular coalescing streaks and patches of a deep black colour, which appear to be produced by blood mixed with the dissolved part of the villous coat, and likewise extravasated and incorporated in its substance. Here in one or two places the villous coat has evidently been destroyed; but over most of the patches this appearance is deceptive, and arises from elevation of their margins, the villous coat being actually continuous and, except merely on its surface, very firm."

It must be apparent to every reader, that this description was drawn up under the guidance of an attention pointedly excited by the characteristic appearances of violent irritation after so long an interval as four weeks after death.

If I understood correctly the tenor of a conversation I had with Dr Mackintosh immediately after his evidence was concluded, the statement which has led to the present comment was intended merely as a *general* opinion as to the difficulty of distinguishing morbid appearances after the lapse of time. If so, his words bore not that meaning. And if they had it would have been both an irrelevant and an immaterial meaning; for I dare say nobody in court needed to be informed that morbid appearances must fall away with the body into corruption, and that the decay is often rapid.

PRICE ONE PENNY.

THE
TRIAL and EXAMINATION
OF
Dr. HUNTER.



BEING A FULL ACCOUNT OF THE
EXAMINATION AT MARYLEBONE POLICE COURT,
TRIAL AT THE OLD BAILEY,
MRS. MERRICK'S STATEMENT AND APPEARANCE IN COURT,
THE VERDICT,
And Interesting Particulars never before Published.

Office of the ILLUSTRATED POLICE NEWS, 275, Strand.

*Dr. HUNTER'S LETTERS to be had at MITCHELL'S,
Red Lion Court.*

THE EXTRAORDINARY CHARGE OF RAPE AGAINST DR. HUNTER.

THE case set forth in the following pages has excited so much interest that we feel bound to gratify the natural curiosity of the public by its reproduction in a more correct and extended form. Concurring in the verdict of the jury, we cannot help expressing our opinion that "true bills" should not have been in the first instance returned. We proceed, without further comment, to place before our readers the full details of this strange and important trial:—

EXAMINATION AT THE MARYLEBONE POLICE COURT.

ROBERT HUNTER, of 3, Queensgate-terrace, Kensington, and 14, Upper Seymour-street, was brought up on a warrant by Kirby, 233 D, one of the warrant officers of the court, charged for "that he did, on the 14th day of October last, feloniously and carnally know and abuse one Annie Merrick against her will and consent."

Mr. Butler, of Tooley-street, solicitor, appeared to prosecute; and Mr. Herring and Mr. Sealife defended the prisoner.

Mr. Butler.—I must ask your worship kindly to attend to take Mrs. Merrick's evidence at her house. She is still quite unfit to attend.

Mr. Mansfield.—Have you any medical certificate to that effect?

Mr. Butler.—Dr. Ramadge, who saw her on Saturday, promised to be here.

Shortly afterwards Dr. Ramadge entered the court, and said—Mrs. Merrick, when I saw her on Saturday, was suffering from consumption. I saw her three months ago, when she attended upon me twice, and then ceased. I do not think it would be safe to bring her here to-day, as she is suffering from active consumption. It would be unsafe to bring her out in the cold.

Mr. Herring.—Suppose she were wrapped up warmly and brought in a warm cab, would she be liable to take any harm then?

Dr. Ramadge.—She might attend, but I think the anxiety of mind would be injurious. I saw her last on Saturday.

Mr. Mansfield.—Did you then consider she was unable to come out?

Dr. Ramadge.—Quite unfit. Her right lung is greatly diseased, and she is now suffering from the softening of the tubercles. The 'profuse perspiration indicates that.

Mr. Kirby, the divisional surgeon, said that he had seen Mrs. Merrick that morning, and she was unfit to be moved.

Mr. Mansfield.—I do not see what else we can do but go. These statements of the medical gentlemen need not go on the depositions, but it justifies me in taking the very unusual course I do in going there.

All parties proceeded to 52, Baker-street, where Mrs. Merriek was imbed, propped up by pillows. She is apparently from 28 to 30 years of age. Her face bears the impress of her having been a fine-looking woman, but now her complaint has very much emaciated her. She gave her evidence in a very calm and collected manner, and also endured a long and rigid cross-examination.

She said—My name is Annie Merriek. I am married. For some time past I have been suffering from consumption. In September last I placed myself under the treatment of Robert Hunter, of 14, Upper Seymour-street. I visited him several times. Last Saturday three weeks I visited him. I went into the room, and he desired me to sit and inhale something. After I had been doing this some time he said he would examine the pain in my side from which I was suffering. He knelt down and put one hand up my clothes, and was examining my side. He was in front of me. All at once he threw me back in the chair, placed his head over my mouth, and I found he was in an indecent position. He was having connection with me. I was not unconscious at all, but I felt stupid, with a paralysing sort of feeling which I cannot describe. I told him I would not enter the house again, and that he was a brute. I rushed from the house as quickly as I could.

Cross-examined.—I did not see Mr. Butler, the solicitor, before Saturday last. I did not say that the offence took place on the 20th. I believe it was last Saturday three weeks I went there, and there a great many people there waiting to see him. They were all patients and all in a room. I cannot say how many there were. I left two or three in the room when I went into his room. His room was upstairs where I saw him. The others remained below. I said he put his face over mine. The man servant let me out, and let me in. I did not say anything to the man servant. I spoke to my mother that day of it. I gave the man servant a shilling because he had always been civil, and I knew it was the last time that I should go there. I told my mother the same day about it. I never sent for him to visit me afterwards, for if he had come into the house I should have ordered him out. I have an aunt, but she is not in London. Mother sent the next day to his house for Dr. Wills, and he came to me three times. I never had Dr. Wills before this to visit me. I saw him at Hunter's house. I believe it was Saturday three weeks when it occurred. I had to put a blister on my side on that same day. I rather objected to the blister. I have had mustard poultices on. I had no conversation then about going to a cemetery and catching cold. I first told my husband that I had been insulted, but not the whole of it until last Monday. I sent to his house for some one to come and see me. Not a word had then been said about my term having expired and I must pay a further fee. The Monday following the Saturday this occurred Wills came to see me. He came three times, and another doctor named Melville three times. He said nothing about fees. He (Wills) said I was in a weak state and he should like to see my husband. During the time Wills and Melville visited me I did not say one word of what Dr. Hunter had done to me. I resided before I came here at my house in Conduit-street, Regent-street. I was married there. I have been married four years next April. I have only been suffering badly from this complaint for the last three months; but I had been bad before. In Conduit-street I kept a private lodging-house for gentlemen and ladies—I mean for married people. I inhaled something for some time from an instrument on the table, and which he told me to put my mouth to. I have inhaled before, and thought it part of the instrument. I never became perfectly unconscious; I was stupefied and paralysed. I could not say whether it was the same stuff I inhaled on this day as I had before. When he got up he went across the room to the wash-hand

basin, did something there and fastened up his clothes. When he got from me I rushed from the room. The chair on which I sat was a very low one, with no arms to it. I cannot tell whether my dress was disordered as I was frightened. I wore drawers. I was shown into the room by the servant. When I went into the room he came in from another room, I believe. I cannot say for certain whether he was sitting down or whether he came from another room. The door of the room was fastened after I got in. He (Hunter) always used to fasten it. I have seen him fasten the little bolt. He did not fasten the door directly upon this occasion. The servant came to the door, and then Hunter fastened it. I think I had been inhaling for about ten minutes when he fastened it. Cannot say how long I was in the room altogether. I went out into Oxford-street. Before I left he said he would have something made up for me. I returned to the door after leaving Oxford-street; but as the blister was not ready I did not wait. When I left his place I went to a friend's house at the corner of Quebec-street. I decline to tell her name. I went in there because I was excited.

Mr. Herring.—What is the name of your friend?

Mr. Butler.—Don't answer that question.

Mr. Herring.—Oh! but I submit that it is a most important one, and ought to be answered. It is one of the most important points which we have. She says she goes to see her friend because she is excited, and yet does not mention this alleged assault to her, and yet she does so on the same day.

Mr. Mansfield ruled she was not bound to mention the name.

Cross-examination continued.—My friend is a widow, but not yet 40. I have known her for about two years. I only waited there a few minutes till I thought the blister was ready. When I returned the man said it was not ready. I did not say one single word to the lady about the doctor's behaviour. I did not appear excited before the lady because I could control myself.

Mr. Herring.—I now ask for the name of your friend whom you went to see.

Mr. Mansfield.—How can it serve your purpose?

Mr. Herring.—You see, sir, what her statement is. She says she goes to her house in a state of excitement, and having got there she says she can control her temper. I think it is most material that we should have her name in order to examine her. Then upon leaving the doctor's house she says nothing to the man who lets her out, but gives him a shilling and goes across to this lady.

Mrs. Merrick.—It was when I returned the second time that I gave him the shilling. I have an objection to give her name, as on my oath I declare I said nothing to her of it.

Mr. Herring.—Was it a public-house or private house?

Mr. Butler.—Do not answer.

Mr. Mansfield said he thought that they had got a description of the party near enough.

Cross-examination resumed.—I know that there is a charge against my husband and brother for assaulting the prisoner, and that it was to have come on to-day at the sessions at Clerkenwell. My husband went to Dr. Hunter's to make some fresh arrangement for him to visit me. This was after the assault upon me. When my husband came home he said he had been to see Dr. Hunter, who said the month was up and he wanted another five guineas. I told my husband he should not pay any more money to him, and the doctor should not attend me. He asked me why, and I told him what he had done. I had the assistance of Wills and Melville because they had been paid to come. I knew my husband had been to the police-court after he came home. I cannot say of my own knowledge that they

will be called upon to-day at the trial. I told my husband all about Dr. Hunter's conduct to me the same day (Thursday) that he was taken to the police court. I told him something of it after he came back from visiting Dr. Hunter. I mean upon his first visit, and not after he came from the police court. I cannot say whether his trousers were open or not when he was at the wash-hand basin, as his back was towards me. I only remained in the room long enough to pick up my gloves and the things I had put out of my hand. He unbolted the door. I cannot say when he did that. I rushed over to the door and waited till he had undone it. I cannot tell how I got up. He put his face over my mouth, and I could not breathe. That prevented me from screaming. I did not scream, as I was partly frightened and partly paralysed. I did not scream as I did not want to make a scene amongst the other patients. I went home and told my mother. I gave him a guinea on Monday and another on Tuesday of my first visits, and he said if he did not cure me in a month he would attend me again. I think Wills and Melville visited me five times; it might be six. They came once together. Not a sentence was said to them about Dr. Hunter. They said they could not attend any more as the month was up, unless they were paid more fees.

Re-examined.—The visit I refer to of my husband to Dr. Hunter's house was about the money, and not after the assault. I did not mean the visit when my husband and brother committed the assault.

Mr. Herring addressed the magistrate on behalf of the prisoner, and said he did not think his worship would send the case for trial upon the unsupported testimony of the poor woman. There were strong improbabilities of a man like his client ever committing such an outrage. He would call Drs. Wills and Melville, who had been in constant attendance upon her, and to neither of these had she mentioned a syllable of the alleged assault. Upon the evidence before his worship he would ask him to admit the prisoner to bail, good substantial bail, till a future occasion, and then he would have other witnesses in attendance. If she had been assaulted in the way she said, would not she have called out, as any prudent woman would have done? She said again she went to a friend's house at the corner of Quebec-street in an excited state, but when she got inside she was able to control herself.

Mrs. Merriek (raising herself up).—Will the magistrate allow Hunter to stand before me, and then see if he will say he has not insulted me as I have said?

She was informed that this could not be allowed.

Mr. Mansfield.—The proper course now is to adjourn back to the court.

The prisoner was then taken back in custody.

Kirby, 233 D, said—I took the prisoner into custody on Saturday night. I showed him the warrant, and he read it. He said nothing at the time, and sent for a lady and gentleman residing in the house. The gentleman said, "What is this?" and the prisoner said he was charged with assaulting a lady.

This being the close of the case for the prosecution,

Mr. Herring said—Before I make any observations to your worship, or call any witnesses, I would respectfully ask if you have decided on sending this case for trial, because if so it will be useless my going on?

Mr. Mansfield.—As for making up my mind to send the case for trial I have not done that. You can address me as regards bail, because I am not satisfied at the hasty way in which the warrant has been executed on the eve of the trial for the assault.

Mr. Herring.—It has gone forth to the public that my client was not qualified to practise. To show that he is I hold in my hand a diploma which he obtained in New York, and another in Canada. What bail will you take, sir?

Mr. Mansfield.—His own bail in the sum of 4,000*l.*, and two sureties in 2,000*l.* each for his re-appearance.

Felix Thurnburn, a retired lieutenant colonel, residing at 16, Stanley-crescent, Kensington; and William Daniel Benjamin Johnson, publisher, of Myrtle Villa, Laurel-grove, Penge, were the bail.

The case was then adjourned, and the prisoner left with his solicitor and friends.

At the second examination before the magistrate, Mrs. Merrick mentioned the name of her friend, saying that she had no wish to withhold it. Her friend's name was Mrs. Charlan, living at 237, Oxford-street.

Mr. Sleigh then cross-examined Mrs. Merrick. Witness said—The next day after this occurred was on a Sunday, and on the Monday my mother went for Dr. Wills—not for Dr. Wills exactly, but for a doctor. I sent to Dr. Hunter to send a doctor to me. On that Monday I saw another doctor, and that was Dr. Wills. He came here to see me. That was the first time I saw Dr. Wills. I went to Dr. Hunter's house on Saturday, the 14th October. It was about eleven o'clock, and I had to wait a long time to see him. When I got home it was between two and three in the afternoon. I think I was at Dr. Hunter's for more than two hours before I saw him. It must have been considerably past one when I saw him, because it only took but a few minutes to go home in a cab. I was only five or ten minutes at my friend's. I went straight to my friend's from Dr. Hunter's. I went straight to Mrs. Charlan's, and stayed with her about ten minutes, and went back to the doctor's for a bottle of medicine. The person I asked for the bottle of medicine was the one I usually saw and opened the door to me. It was on the second occasion of my call that I gave the man the shilling, and got the medicine from him. I felt very ill then, and I hailed a cab about two doors from Dr. Hunter's house, and went straight home. I called on no one else—only Mrs. Charlan. I saw no medical man on Sunday. I am quite sure it was on a Monday my mother went for a doctor. The lady I have mentioned is the widow lady I referred to before.

Re-examined by Mr. Butler.—I knew it was Dr. Hunter's practice not to come out himself; therefore, I knew, when I sent my mother for a doctor on the Monday, that there was no chance of his coming out.

Mr. Mansfield (to Dr. Kirby, who is now in attendance upon her).—Is Mrs. Merrick better?

Dr. Kirby.—She is a little better.

All parties returned to the court.

Mr. Sleigh made a powerful appeal on the part of the prisoner, whom he declared to be an innocent and ill-used man, and wound up by expressing a hope that the magistrate would take such a view of the case as to restore him to society without a blemish on his character.

The prisoner declared that the charge was deliberately false in every particular. He was, however, fully committed for trial at the next Central Criminal Court Sessions. He was admitted to bail, himself in 4,000*l.* and two sureties in 2,000*l.* each.

THE TRIAL OF DR. HUNTER

AT THE

CENTRAL CRIMINAL COURT.

ROBERT HUNTER was indicted for having on the 14th ultimo committed a rape on the person of Annie Merrick, was arraigned on Friday, Nov. 24th, before Mr. Justice Byles, to take his trial for the alleged offence.

Mr. Serjeant Robinson and Mr. Butler Rigby, instructed by Messrs. John and Walter Butler, conducted the prosecution; and Mr. Serjeant Ballantine, Mr. Sleigh, and Mr. Montagu Williams, instructed by Messrs. Lewis and Lewis, of Ely-place, defended the prisoner.

Much public interest was manifested in the case, the court being crowded in every part.

Shortly before the proceedings opened the prosecutrix was conducted through the court by her solicitor to one of the waiting-rooms in the hall. She is a tall, ladylike person, and looked exceedingly pale.

His Lordship having taken his seat, the prisoner was placed in the dock, and in answer to the formal question as to whether he was "Guilty" or "Not Guilty," replied in a firm voice, "Not Guilty."

All witnesses on both sides having been ordered out of court,

Mr. Serjeant Robinson rose and said—Gentlemen of the jury, you have heard the charge against the prisoner at the bar—a charge that rests mainly upon the evidence of Mrs. Merrick, the prosecutrix. The prisoner, it appears, has for some time past been practising medically for consumption, but he is not registered, but I believe he was when in New York. The husband of the prosecutrix is a tobacconist, in Upper Baker-street. She having been very ill, it was arranged that she should go to see Dr. Hunter, and she accordingly did so in September, and again on the 14th of October, when the assault took place. As soon as she went into Dr. Hunter's room he gave her something to inhale, and afterwards he went and bolted the door, knelt down, and said he wanted to feel her side. Having done this he subsequently had connection with her. When the prosecutrix recovered her strength, she left, saying, "I will never visit this place again." She afterwards went to the house of a Mrs. Charlan, and afterwards returned to Dr. Hunter's to get an embrocation. She did not communicate to Mrs. Charlan what had taken place. Now, gentlemen, it will be for you to say whether from this fact the testimony of the prosecutrix will be relied upon. She got her medicine, and then took a cab and went home, and communicated what had happened to her mother. She was then very ill, and took to her bed, and never left it till last Sunday. The mother of the prosecutrix went to Dr. Hunter to know if he would send some one to see her daughter. Dr. Hunter did not go, but a Dr. Wills went, who saw the prosecutrix and prescribed for her. Things went on till the end of October, when the prosecutrix made a communication to her husband, which caused him to decide that she should not go to the place again, and he and the brother of the prosecutrix went afterwards to the house of Dr. Hunter and gave him a horse-whipping, an act certainly most illegal, and they were given into custody,

charged with assault. Now, gentlemen, what on earth could be the motive of the prosecutrix in making the charge if it was untrue? With regard to the assault, there is no doubt about that being the result of the assault upon the prosecutrix. I shall now call witnesses before you, and it will be for you to say whether you believe them or not.

Annie Merrick was then called, and examined by Mr. Butler Rigby. She said:—I am the prosecutrix, and the wife of Samuel Merrick, 52, Upper Baker-street. He is a tobacconist. Previous to the 9th of last September I had been suffering from consumption. In that month I consulted the prisoner, and saw him four times between that and the 14th of October at his house. When I first saw him he examined me. I paid him five guineas, and asked him if he could cure me, and he said "Yes." I always went to Dr. Hunter up to the time of my taking to my bed. On the 14th of October I went to his house about eleven o'clock in the morning. When I reached the house a servant came and showed me into the waiting-room, where there were other persons. I waited there more than two hours. I then saw the prisoner upstairs on the first floor. He was quite alone. After I got into the room he asked me how I was. I said I felt the pain in my side much worse. He told me to sit down, and told me to inhale something from an instrument. I did so for about five minutes, when he took a small bottle off the table, and poured some of the contents into the instrument. A few minutes afterwards a very strange feeling came over me. I was inhaling at the time that he poured something in the back part of the instrument. A strange feeling came over me. A stupefying, powerless feeling came over me, but I did not feel it so much then as afterwards. I retained my consciousness. He then said he would examine my side, and put his hand up my clothes to do so. He was talking about how much better I was, and how he hoped soon to get me about, and while he was talking I did not notice what he was doing, and suddenly he threw me back on the chair into a position that left me entirely helpless, and then committed the assault.

Mr. Rigby.—You must describe what he did.

Witness.—He had connection with me. As soon as I could I struggled to get from him, when he put his head over my face and began kissing me in the most passionate manner, so that I could not scream. I afterwards got away from him, and the chair in which I was seated flew back towards the sofa. He then washed his hands of something that was on them, and said he hoped I would not think anything of what he had done, but I demanded that the door should be opened to me.

Mr. Rigby: Who unfastened the door?—Witness: The prisoner.

What did you do when you got out of the house?—I went to a friend's, about a minute and a half's walk—a Mrs. Charlan. I remained there about ten minutes. I then went out and hailed a cab, and I then went to Dr. Hunter's door and asked for an embrocation which he had prescribed for me.

Mr. Rigby: Did you go to the house in the cab?—Witness: No. I called the cab afterwards, and went home. I saw my mother when I got home, and I made a complaint to her. This was about two o'clock. I remained at home after that, and kept my bed for about a fortnight.

Did you make any complaint to your husband?—I was unable to do so.

Who attended upon you while you kept your bed?—My mother and a nurse.

Mr. Rigby.—Did you have any communication with the prisoner after that?—Witness: Not the slightest. My mother went to him, and Dr. Wills came to see me. He came on the following Monday. He attended me three times. A Dr. Melville also attended me. He was one of the visiting doctors at Dr. Hunter's.

When was it you first made the complaint to your husband?—I told him the Monday fortnight after it had happened. I did not make a full complaint to him. I did not like to do so. On the Wednesday in the middle of the night I made a full complaint to my husband.

Cross-examined by Mr. Serjeant Ballantine.—I had inhaled on former occasions at Dr. Hunter's. I inhaled also at home for my complaint. The instrument he supplied me with was different to that from which I inhaled at his house upon the occasion of the assault. The room in which the assault took place was the drawing-room in Upper Seymour-street. The patients always sat in a room downstairs. The chair upon which I sat had no arms, and ran on castors. The instrument from which I inhaled had a heating apparatus beneath it. There was a sofa in the room. When he pushed the chair back to examine my side it was about a quarter of a yard from the sofa. He was kneeling down examining my side, and speaking very fast at the time he threw me back. He put his face upon my face and kissed me during the assault. I had no idea of what he was about to do. I struggled a great deal. I could not scream when his face was over mine. When the chair was pushed back I could have screamed, but I did not think of screaming. I felt too stupefied. It is true that I stated I did not scream because I did not want to make a scene in the house. When I got to Mrs. Charlan's I saw the barmaid first. I was in the bar-parlour. I did not take anything there. I declined at first to mention the name of Mrs. Charlan because I did not wish to bring her name in. Dr. Hunter had promised to give me a blister for my side on the previous Wednesday, and it was for that I called; but he said, "Before you go I will just examine your side." I have had no communication with Dr. Hunter since then, either written or verbal.

Mr. Serjeant Ballantine.—Will you swear that?—Witness: I think I wrote to him on the afternoon of the day of the assault, telling him that the embrocation was not strong enough. This was after I had told my mother he had committed a rape upon me.

Did you address him "Dear Sir?"—I think not.

The letter was here put in and read as follows:—

"Dr. Hunter,—Dear Sir,—I think there must have been some mistake in my medicine, as I understood from you that you had prescribed something to make the blister. I only received a bottle labelled 'Embrocation,' which I have put on my side without the least effect. I have sent the remainder of the bottle, and should feel obliged by your sending me word if it is what you intended for the blister. I am in such dreadful pain or would not trouble you so much.—I beg to remain, yours obediently,

(Signed)

"ANNIE MERRICK.

"52, Upper Baker-street."

By the Judge.—What day was it you wrote that letter?—Witness: The same day.

Cross-examination continued.—I wrote that letter about an hour after I got home.

Mr. Serjeant Ballantine.—Then you came to the conclusion that the embrocation would not take effect in an hour?—Witness: Yes.

Who put the blister on your side?—My brother. He had been in an infirmary, and understood it. I went to bed to have the blister put on.

But what prevented your brother going to the doctor's instead of your writing?—Because he was minding my business. My brother thought it better that I should not say anything to my husband till I got better. My husband is in the cigar trade. I serve in the shop. We have kept the shop for about six months. My husband is a traveller for Mr. Perry. He has recently been a bankrupt. After my husband's bankruptcy I went to live in apartments at Brompton, and afterwards we went to live in Portland-street. My brother never called himself "Dr. Goddard." He

was for some months a private policeman in the Cheltenham police. I come from Tewkesbury. I was in the habit of visiting my brother when he lived at Brentford. I know Dr. Friar at Tewkesbury.

Re-examined by Mr. Serjeant Robinson.—I am 26. I lived in Conduit-street three years, and I left on account of my husband's bankruptcy. I kept a lodging-house, and during the time many persons of high rank stayed in my house. At the time I wrote to Dr. Hunter I was in very great pain. There was no reason why I said nothing to Mrs. Charlan beyond that I did not want to bring her name in. It was vapour that I inhaled, but I did not detect any different flavour to that I had previously inhaled.

The apparatus from which the prosecutrix inhaled the vapour, and the chair on which she sat, were here produced in court, but no remarks were made relative to them, and the next witness was called.

Elizabeth Jones, examined by Mr. Serjeant Robinson.—I am the mother of the foregoing witness, and I keep a boarding-house in New Bond-street. I recollect my daughter coming home on the day in question. I think it was about two o'clock. When she got home she complained about some violence that had been done to her. She was crying and appeared very much excited. She went to bed. I afterwards went to Dr. Hunter's, and there saw the servant. I went again on the Monday, when I saw the hall-porter, but I saw Dr. Hunter after waiting about an hour and a half. I asked him for a visiting doctor for my daughter. Dr. Wills afterwards saw my daughter. She grew worse, and I thought she was dying. She took the sacrament a week after what had happened.

Cross-examined by Mr. Serjeant Ballantine.—This is the first time that I have been examined upon this matter. My daughter's bed-room is upstairs, and I assisted to put her to bed. After she had been in bed some time, she found the blister was not effective, and I wished her to write to the doctor. The embrocation was put on immediately she got into bed. I put the embrocation on her side. My son was in the room at the time. I was afraid of her telling her husband, and I was afraid to mention it to Dr. Hunter, as I thought he would send something that would injure my child.

Mr. Serjeant Ballantine.—What! do you mean to say you think he would have poisoned her?—Witness: I thought after the manner in which he had acted he would not mind doing anything, and that he might give her something that she would not live afterwards. Mr. Wills never mentioned anything to me about not attending to my daughter any longer without fees.

Re-examined.—My daughter, at the time the embrocation was put on her side, screamed frightfully with the pain she was suffering. My son showed me how the embrocation should be put on.

Eliza Wood, examined by Mr. Rigby.—I am in the employ of Mrs. Charlan. She keeps the City of Quebec, in Oxford-street. I remember Mrs. Merrick coming to Mrs. Charlan's on the 14th of October. It was between one and two o'clock, and she seemed very excited. Mrs. Merrick went into the bar-parlour. Mrs. Charlan was upstairs, and it was ten minutes before she came down.

Cross-examined.—Mrs. Charlan is the landlady of the City of Quebec. Mrs. Charlan is out of town. She was out of town yesterday. I don't know where she has gone. Mrs. Merrick has been to Mrs. Charlan's four times since I have been with Mrs. Charlan. Mrs. Merrick stayed about three minutes with Mrs. Charlan. When she left she told me she was going to Dr. Hunter's to fetch something.

Frederick Jones, examined by Mr. Serjeant Robinson.—My name is Frederick Goddard Jones. I am the brother of Mrs. Merrick. I was at

her house on the 14th of October, and remember her coming home. I noticed that she was crying when she came in, and she went and lay down on the sofa, at the back of the shop. She had some conversation with her mother, and begged her to take her upstairs. I went to horse-whip Dr. Hunter. I remember the embrocation being applied. My mother and I did it between us.

Cross-examined.—I have been a policeman for eighteen months at Cheltenham. I resigned my situation. Previous to that I was apprenticed to a carpenter. Before that I was a confectioner. I was never called "Dr. Goddard." I was when a boy nicknamed "Dr. Goddard." I never had charge of a lunatic patient. My mother had. I applied for a licence to keep a house for epileptic patients. I never sign myself "Goddard."

A letter was here produced bearing the signature of "Goddard" only, which the witness said he might have written in a hurry.

Samuel Merrick, examined by Serjeant Robinson.—I am the husband of the prosecutrix.

Cross-examined by Mr. Serjeant Ballantine.—I went to Dr. Hunter's on the 30th of October. I don't know that Dr. Wills declined to attend my wife further without the fees being paid; but Dr. Hunter said he could not allow him to attend her further without the fees. He said he should require the money down before he could further attend my wife. I arranged that it should be paid; but it was not paid because my wife could not have his attendance. I had recently been bankrupt. I paid nothing to my creditors. I left Conduit-street owing a good deal of money, and I left Brompton owing a good deal of money. I have been summoned since my residence in Baker-street.

Re-examined.—When I arranged to pay Dr. Hunter I was not aware of what he had done. This was on the 30th of October. When I got home my wife told me she would have nothing more to do with Dr. Hunter, as he had grossly insulted her. She did not then make a full disclosure, but she did subsequently on the 2nd November. On the same day I went with my brother-in-law to Dr. Hunter's with a horsewhip.

Mr. Serjeant Robinson.—This, my lord, is the case.

Mr. Serjeant Ballantine said he did not intend to call any witnesses for the defence.

The learned counsel for the prosecution consequently proceeded to sum up the evidence that had been adduced in support of the charge. He said he thought he had a right to complain of the course that had been adopted by his learned friend in dragging the circumstances of the husband of the prosecutrix before the world; as he said it was not denied that he was a poor man, but it appeared to him that this had nothing whatever to do with the question whether the prisoner was guilty of the offence imputed to him or not. He then proceeded to argue that there was not a tittle of evidence to show that the prosecutrix was actuated by any improper motive in making the accusation against the prisoner, and he accounted for her conduct in not telling her husband immediately by stating that he was evidently a man of impetuous feelings, and she was doubtless afraid of the consequences, and that it was evident she was a person who clung to life, and believing, as the prisoner had said, that he could cure her in a month, she was anxious to have the benefit of his skill, knowing full well at the same time that any discovery or statement on her part would lead to a public exposure and inquiry, and that her death would in all probability be the result.

The Court then adjourned, for the purpose of enabling the jury to have some refreshment.

Mr. Serjeant Ballantine then proceeded to address the jury for the defence. He said it appeared to him that in the last address of his

learned friend he had appealed entirely to their sympathies and their feelings, and that he appeared almost naturally to rely upon the improbability that a woman in the condition of the prosecutrix should have made such a charge if it had not been founded in truth. On the part of the gentleman at the bar he should ask them to dismiss all such considerations from their minds, and decide the case solely upon the sworn testimony that had been laid before them, and not allow any prejudice to operate upon them. As to the question of motive, it was impossible to trace the motives that operated upon the human mind, and in all these cases it was not only difficult, but at times utterly impossible, to discover the motive that operated in a particular case upon the conduct of the party, and all that was possible for a jury to do was to look at the nature of the charge and all the circumstances connected with it, and then say, as reasonable men, and as men acquainted with the world, whether the evidence conclusively established the guilt of the accused person. His learned friend had referred to the fact of his not having called any witnesses on behalf of the prisoner, but he had very carefully considered the subject, and, having ascertained that he really was not in a condition to bring any material evidence relating to the actual charge before the jury, he felt that it was utterly unnecessary to call any witnesses, as their evidence would not have afforded any information to the jury on the subject. He would now ask the jury, in the first place, whether a man in the position of the prisoner, a physician, who must have known that the result of his future career would depend entirely upon his character for honour and morality, should have been guilty of such a gross act of misconduct towards one of his patients, when he must have been well aware that the consequences of exposure would have been his entire ruin? Did they think if he had committed this assault upon the prosecutrix, that he would have refused to continue his attendance upon her unless he was paid his fees, and whether he would not have attempted to solace her, and induce her to hold her tongue, until her death, which was represented to have been imminent, had actually taken place, and her lips would have been closed for ever? He asked them to contrast the conduct of the prisoner with that of the prosecutrix, and upon the result of that comparison he relied with considerable confidence that the jury could only come to one conclusion, which was that the story told by the prosecutrix was most improbable, and that they could not rely upon her evidence. The story told by her about her condition appeared to him to be most extraordinary, and if the jury could believe that chloroform was the ingredient that was made use of it was obvious that, from the mode in which it was represented to have been administered, the death of the prosecutrix might have been the result. The story also that was told by the prosecutrix as to the circumstances under which the alleged offence was committed appeared to him most astounding, and the jury would bear in mind that the offence was alleged to have been committed in a house situated in one of the great thoroughfares of the metropolis, and in a house filled with patients and servants, where the slightest scream or the slightest alarm must immediately have attracted attention. He then proceeded to complain of the manner in which the case had been conducted before the magistrate, and said that several witnesses whom the counsel for the prisoner earnestly entreated might be examined were not called, and the result was that a great many of the witnesses who had never been examined were called for the first time, and the legal advisers of the prisoner had had no opportunity of making any inquiries respecting them, or of ascertaining whether they were speaking the truth or not. He thought the jury ought to look with very great suspicion on the evidence of the prosecutrix, and he should like to know what motive she could have had for refusing to give the

name of Mrs. Charlan, the lady she had visited immediately after the transaction, and how it happened that this lady should have left London yesterday morning, and no one knew where she was gone to. The barmaid had been called in her place, but she really knew nothing of what had taken place. Mrs. Charlan was the person she spoke to, and she was the person who ought to have been called as a witness, but she had gone away under the astounding circumstances to which he had alluded. They must not forget, however, that when the prosecutrix left the public-house she told the barmaid that she was going to Dr. Hunter's to fetch something, and he asked the jury, with great confidence, to give their opinion whether this was the conduct that would be expected from a woman who, only half an hour before, had had such an abominable outrage committed upon her? The learned serjeant next referred to the conduct that had been pursued by the mother of the prosecutrix, and he said it was impossible to believe that the mother would not have made an immediate complaint and outcry if the prosecutrix had really told her that the prisoner had committed the outrage upon her which was alleged to have taken place, and he urged that the probability was that she had merely said something about the medical treatment to which she had been subjected, which had been afterwards distorted into the present accusation. He then handed to them the letter that had been produced, and asked the jury to look at the writing and the contents and see whether they presented anything like the appearance that would be expected in a document that had passed between a woman and her ravisher. At first she said she did not remember having sent such a letter, and it was not until it was put into her hands that she was compelled to admit that she had sent the letter, and that she had addressed the man who had violated her an hour before as "Dear Sir." As to the excuse that had been given, that the parties were afraid of making a disclosure because they were desirous of continuing to avail themselves of the professional skill of the prisoner, and were also afraid that he would give her some injurious drug, he submitted that it was absurd and could not be credited. There appeared to be no doubt that, about a week after the transaction was represented to have taken place, the Holy Sacrament was administered to the prosecutrix, but he could not help thinking that this had really nothing whatever to do with the inquiry, and that the fact was merely introduced for the purpose of creating prejudice. The learned serjeant then went on to argue that the conduct of the prosecutrix and of her mother and brother was totally inconsistent with the belief that any such crime had been committed, and that it was monstrous to suppose that they would have allowed Dr. Hunter to go on treating the prosecutrix if they had really believed that he was guilty of such an outrage as was represented. He then called the attention of the jury to the facts that the prisoner had not only refused to treat the prosecutrix any longer unless he received his fees, and that he had instituted a criminal prosecution against the husband and the brother of the prosecutrix, and he submitted that if he had known that he was guilty of the crime of which he was accused this was the last mode of proceeding that he would have adopted. He concluded by observing that the prisoner was charged with an offence which could only be committed in the presence of the prisoner and the accused, and he urged that there was not the slightest corroboration of the statement told by the prosecutrix, and that the prisoner was entitled upon every ground to an acquittal upon the serious charge that had been made against him.

There was an attempt at applause at the conclusion of the speech of the learned counsel, which was with some difficulty repressed by the officers of the court.

Mr. Justice Byles then proceeded to sum up the case to the jury. Having explained the formal nature of the charge, his lordship said that the inquiry was one of a very peculiar character. It was not pretended that the prosecutrix was a consenting party, but the defence was that her story was a wicked invention from first to last, and he did not remember a case where more fearful wickedness was imputed by one party to the other. On the one side the prisoner was charged with a most atrocious offence, and on the other there was a charge of perjury of the most abominable description. He did not see that, apart from this transaction, there appeared to be the slightest imputation upon the character of either the prosecutrix or the prisoner, and yet one or the other had undoubtedly been guilty of a most fearful crime. The learned judge then read the evidence for the prosecution, and said that the learned counsel for the prisoner had argued that it was impossible that the offence could have been committed under the circumstances she had represented, and this was a matter for their consideration, and it was their province to decide what weight ought to be given to this suggestion on behalf of the prisoner. In the course of the speech for the defence it had been suggested that the charge might have been the result of some mistake, but he did not see how it was possible to reconcile this with the fact deposed to by the prosecutrix, that, after the occurrence had taken place, the prisoner told her he hoped she would not think any more of what had happened. His lordship next called the attention of the jury to the cross-examination of the prosecutrix, and to her admission that the reason she did not scream at the time the attack was made upon her was that she did not wish to make a scene in the house, and that all she desired was to get out of the house as soon as she could. His lordship next referred to the letter that had been written by the prosecutrix to the prisoner, and said that if the desire was to get something to relieve the prosecutrix from the pain she was then enduring he did not think there was very much in her addressing the prisoner as "Dear Sir," and certainly the word "Dear" was written as shortly as possible. This was the story of the prosecutrix. Was it the truth, or was it a fabrication? The learned judge then read the evidence of the remaining witnesses, and concluded by stating that the question for their consideration was whether the prisoner had committed the crime of rape under the most discreditable circumstances, or whether the prosecutrix had committed wilful and deliberate perjury; and he was sorry to add that other persons connected with her must have been guilty of the same offence. If the evidence satisfied them of the guilt of the prisoner they ought to say so by their verdict; if they believed the case that was set up for the prisoner they ought to acquit; and if they were so puzzled, and in such a state of doubt and uncertainty upon the point as to be unable to come to a satisfactory decision, they ought then to apply the golden rule of the criminal law of this country, and also say that the prisoner was not guilty.

The jury retired at a quarter to four o'clock to deliberate upon their verdict. They returned into Court at four o'clock and found the prisoner NOT GUILTY.

The verdict was received with a loud burst of cheering, which was with difficulty repressed.

Mr. Serjeant Ballantine then said that the charge of assault preferred by Dr. Hunter against the husband and brother of the prosecutrix had been removed into this Court, and he applied that it should be postponed to the next session.

This application was granted.

The defendant was then discharged, and when he got into the street he was loudly cheered by the persons who were assembled.





